

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 1597, and  
RANDY SCHWEITZER,

Plaintiffs,

vs.

CITY OF BROKEN BOW, NEBRASKA,

Defendant.

**7:17CV5009**

**AMENDED ORDER SETTING  
FINAL SCHEDULE FOR  
PROGRESSION OF CASE**

This matter comes before the Court on the Stipulated Motion for Extension of Expert Reports Disclosures and all Discovery ([Filing No. 19](#)). After review of the motion, the Court finds it should be granted. However, granting the requested extensions necessitates moving the dispositive motion and *Daubert* motion in limine deadlines. Accordingly,

**IT IS ORDERED:** The Stipulated Motion for Extension of Expert Reports Disclosures and All Discovery ([Filing No. 19](#)) is granted, and the deadlines in the Order Setting Final Schedule for Progression of Case ([Filing No. 16](#)) are amended as follows:

1. **Motions to Dismiss and Motions for Summary Judgment.** Motions to Dismiss and/or Motions for summary judgment shall be filed not later than **February 4, 2019**. See NECivR [56.1](#) and NECivR [7.1](#).

2. **Discovery Deadlines:**

- a. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **January 3, 2019**.
- b. **Written Discovery Deadline.** All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be completed by **November 29, 2018**. Counsel may stipulate to extensions of time to respond to discovery requests in accordance with Fed. R. Civ. P. 29, but such extensions shall not extend any of the dates in this order; **any request to extend the deadlines of this order shall be sought by motion.**

3. **Disclosure of Expert Witnesses.**<sup>1</sup> Each plaintiff, counter-claimant, and cross-claimant shall identify expert witnesses and shall serve expert reports by **October 12, 2018**. Each defendant, counter-defendant, and cross-defendant shall identify expert witnesses and shall serve expert reports by **November 16, 2018**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **November 30, 2018**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

4. Motions in limine challenging the admissibility of expert testimony at trial under Fed. R. Evid. 702, *see Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999), and *Daubert v. Merrell-Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by **February 4, 2019**, and accompanied by a request for a hearing if necessary. Failure to timely move for a hearing may constitute waiver of the request for a hearing.

5. **Motions to Alter Dates.** All requests for changes of deadlines or settings established herein shall be directed to the assigned magistrate judge by appropriate motion, including all requests for changes of trial dates. Such motions shall not be considered in the absence of a showing by counsel of due diligence in the timely development of this case for trial and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 21<sup>st</sup> day of August, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge

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<sup>1</sup> A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in the case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).